

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 5262

64th Legislature
2015 Regular Session

Passed by the Senate April 21, 2015
Yeas 44 Nays 3

President of the Senate

Passed by the House April 14, 2015
Yeas 97 Nays 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 5262** as passed by Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 5262

AS AMENDED BY THE HOUSE

Passed Legislature - 2015 Regular Session

State of Washington **64th Legislature** **2015 Regular Session**

By Senators O'Ban, Pedersen, Darneille, Dammeier, and Honeyford

Read first time 01/16/15. Referred to Committee on Human Services,
Mental Health & Housing.

1 AN ACT Relating to access to juvenile case records for the
2 Washington state office of civil legal aid; and reenacting and
3 amending RCW 13.50.010.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 13.50.010 and 2014 c 175 s 2 and 2014 c 117 s 5 are
6 each reenacted and amended to read as follows:

7 (1) For purposes of this chapter:

8 (a) "Juvenile justice or care agency" means any of the following:
9 Police, diversion units, court, prosecuting attorney, defense
10 attorney, detention center, attorney general, the legislative
11 children's oversight committee, the office of the family and
12 children's ombuds, the department of social and health services and
13 its contracting agencies, schools; persons or public or private
14 agencies having children committed to their custody; and any
15 placement oversight committee created under RCW 72.05.415;

16 (b) "Official juvenile court file" means the legal file of the
17 juvenile court containing the petition or information, motions,
18 memorandums, briefs, findings of the court, and court orders;

19 (c) "Records" means the official juvenile court file, the social
20 file, and records of any other juvenile justice or care agency in the
21 case;

1 (d) "Social file" means the juvenile court file containing the
2 records and reports of the probation counselor.

3 (2) Each petition or information filed with the court may include
4 only one juvenile and each petition or information shall be filed
5 under a separate docket number. The social file shall be filed
6 separately from the official juvenile court file.

7 (3) It is the duty of any juvenile justice or care agency to
8 maintain accurate records. To this end:

9 (a) The agency may never knowingly record inaccurate information.
10 Any information in records maintained by the department of social and
11 health services relating to a petition filed pursuant to chapter
12 13.34 RCW that is found by the court to be false or inaccurate shall
13 be corrected or expunged from such records by the agency;

14 (b) An agency shall take reasonable steps to assure the security
15 of its records and prevent tampering with them; and

16 (c) An agency shall make reasonable efforts to insure the
17 completeness of its records, including action taken by other agencies
18 with respect to matters in its files.

19 (4) Each juvenile justice or care agency shall implement
20 procedures consistent with the provisions of this chapter to
21 facilitate inquiries concerning records.

22 (5) Any person who has reasonable cause to believe information
23 concerning that person is included in the records of a juvenile
24 justice or care agency and who has been denied access to those
25 records by the agency may make a motion to the court for an order
26 authorizing that person to inspect the juvenile justice or care
27 agency record concerning that person. The court shall grant the
28 motion to examine records unless it finds that in the interests of
29 justice or in the best interests of the juvenile the records or parts
30 of them should remain confidential.

31 (6) A juvenile, or his or her parents, or any person who has
32 reasonable cause to believe information concerning that person is
33 included in the records of a juvenile justice or care agency may make
34 a motion to the court challenging the accuracy of any information
35 concerning the moving party in the record or challenging the
36 continued possession of the record by the agency. If the court grants
37 the motion, it shall order the record or information to be corrected
38 or destroyed.

39 (7) The person making a motion under subsection (5) or (6) of
40 this section shall give reasonable notice of the motion to all

1 parties to the original action and to any agency whose records will
2 be affected by the motion.

3 (8) The court may permit inspection of records by, or release of
4 information to, any clinic, hospital, or agency which has the subject
5 person under care or treatment. The court may also permit inspection
6 by or release to individuals or agencies, including juvenile justice
7 advisory committees of county law and justice councils, engaged in
8 legitimate research for educational, scientific, or public purposes.
9 Each person granted permission to inspect juvenile justice or care
10 agency records for research purposes shall present a notarized
11 statement to the court stating that the names of juveniles and
12 parents will remain confidential.

13 (9) The court shall release to the caseload forecast council the
14 records needed for its research and data-gathering functions. Access
15 to caseload forecast data may be permitted by the council for
16 research purposes only if the anonymity of all persons mentioned in
17 the records or information will be preserved.

18 (10) Juvenile detention facilities shall release records to the
19 caseload forecast council upon request. The commission shall not
20 disclose the names of any juveniles or parents mentioned in the
21 records without the named individual's written permission.

22 (11) Requirements in this chapter relating to the court's
23 authority to compel disclosure shall not apply to the legislative
24 children's oversight committee or the office of the family and
25 children's ombuds.

26 (12) For the purpose of research only, the administrative office
27 of the courts shall maintain an electronic research copy of all
28 records in the judicial information system related to juveniles.
29 Access to the research copy is restricted to the Washington state
30 center for court research. The Washington state center for court
31 research shall maintain the confidentiality of all confidential
32 records and shall preserve the anonymity of all persons identified in
33 the research copy. The research copy may not be subject to any
34 records retention schedule and must include records destroyed or
35 removed from the judicial information system pursuant to RCW
36 13.50.270 and 13.50.100(3).

37 (13) The court shall release to the Washington state office of
38 public defense records needed to implement the agency's oversight,
39 technical assistance, and other functions as required by RCW
40 2.70.020. Access to the records used as a basis for oversight,

1 technical assistance, or other agency functions is restricted to the
2 Washington state office of public defense. The Washington state
3 office of public defense shall maintain the confidentiality of all
4 confidential information included in the records.

5 (14) The court shall release to the Washington state office of
6 civil legal aid records needed to implement the agency's oversight,
7 technical assistance, and other functions as required by RCW
8 2.53.045. Access to the records used as a basis for oversight,
9 technical assistance, or other agency functions is restricted to the
10 Washington state office of civil legal aid. The Washington state
11 office of civil legal aid shall maintain the confidentiality of all
12 confidential information included in the records, and shall, as soon
13 as possible, destroy any retained notes or records obtained under
14 this section that are not necessary for its functions related to RCW
15 2.53.045.

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